

REMARKS

Claims 1-54 are pending in the application. Claims 1, 13, 28 and 40 were rejected under 35 U.S.C. §102(e) as being anticipated by Bonta et al. Claims 2-12, 14-23, 29-39 and 41-50 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 24-27 and 51-54 were allowed. Claims 1, 13, 28 and 40 have been amended. Reconsideration and reexamination of the application in view of the amendments and following remarks is respectfully requested.

Claims 1, 13, 28 and 40 were rejected under 35 U.S.C. §102(e) as being anticipated by Bonta. Claims 1, 13, 28 and 40 have been amended to recite “configuring the MS to attempt to receive the rescue channel from the one or more BSs in a sequence during each of a plurality of SUB_ATTEMPT periods, wherein a predetermined number of SUB_ATTEMPT periods greater than one are contained in one SUPER_ATTEMPT time interval.” (Emphasis added.) With the amendments to claims 1, 13, 28 and 40, it is respectfully submitted that the rejection of those claims has been overcome.

Bonta fails to disclose sequentially configuring the MS in an attempt to receive the rescue channel from one or more BSs during each of a plurality of SUB_ATTEMPT periods within one SUPER_ATTEMPT period, as recited in claims 1, 13, 28 and 40. In the Office Action, the Examiner stated that Bonta discloses only one SUB_ATTEMPT period within one SUPER_ATTEMPT period. Furthermore, Bonta contains no disclosure at all related to configuring the MS in a sequence. Therefore, because Bonta does not disclose all of the limitations of claims 1, 13, 28 and 40, it is respectfully submitted that the rejection of those claims under 35 U.S.C. §102(e) as being anticipated by Bonta has been traversed.

Furthermore, it would not have been obvious to one skilled in the art, in view of Bonta, to sequentially configure the MS in an attempt to receive the rescue channel from one or more BSs during each of a plurality of SUB_ATTEMPT periods within one SUPER_ATTEMPT period. Bonta discloses a rescue procedure in which the MS disables its transmitter (dekeys) after detecting

a predetermined number of frame errors and sets a timer to allow the infrastructure to get prepared to accept a handoff. While the timer is counting down, infrastructure cells detect the dekeying by the MS, and a number of potential rescue cells are prepared to monitor for the reception of the MS's signal. After the timer times out, the MS re-enables (rekeys) its transmitter and begins transmitting. If one of the potential rescue cells is able to receive the MS, that rescue cell begins transmitting on the rescue channel. When the MS is able to receive frames from that rescue cell, the handoff to the rescue channel is complete. Nowhere is the concept of sequentially configuring the MS in each of a plurality of SUB_ATTEMPT periods discussed. Bonta contemplates a single rescue attempt carried out by the MS and the infrastructure in a single period of time that can be equated to a SUPER_ATTEMPT period, but fails to disclose, teach or suggest multiple SUB_ATTEMPT periods within a SUPER_ATTEMPT period.

Because the rejections of claims 1, 13, 28 and 40 have been overcome, claims 2-12, 14-23, 29-39 and 41-50 are no longer dependent upon a rejected base claim, and therefore it is respectfully submitted that these claims are now allowable.

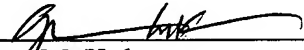
In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

If, for any reason, the Examiner finds the application other than in condition for allowance, Applicant requests that the Examiner contact the undersigned attorney at the Los Angeles telephone number (213) 892-5752 to discuss any steps necessary to place the application in condition for allowance.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. 440402000600.

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Respectfully submitted,

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